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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,469	12/27/2001	Yuichi Terao	2271/66514	8355

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EXAMINER
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BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/033,469

Applicant(s)

TERAO, YUICHI

Examiner

Charlotte M. Baker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 11-12 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinokimoto (5,357,543).

**Regarding claim 1:** Hinokimoto discloses transmission speed/network bandwidth adjusting means (Fig. 4, H-S MOD 104) for adjusting the required network bandwidth corresponding to a transmission speed set up between the facsimile apparatus (Fig. 4, FAX 100) and the partner terminal unit (Fig. 4, FAX 200) to become equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24).

**Regarding claim 2:** Hinokimoto satisfies all the elements of claim 1. Hinokimoto further discloses wherein the transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) adjusts such that the required network bandwidth becomes equal to or narrower than the allocated network bandwidth by demanding network bandwidth allocation (Fig. 5a, Step 3 and col. 9, ln. 18-24) with a predetermined network bandwidth specified when the demand for

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the network bandwidth allocation is issued to the gatekeeper unit (Fig. 4, CONT 211) prior to starting a communication (Fig. 5a, Step 3 and col. 9, ln. 18-24).

**Regarding claim 11:** The structural elements of apparatus claim 1 perform all of the steps of method claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 1.

**Regarding claim 12:** Hinokimoto satisfies all the elements of claim 11. The structural elements of apparatus claim 2 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 2.

**Regarding claim 18:** Arguments analogous to those stated in the rejection of claim 1 are applicable.

**Regarding claim 19:** Hinokimoto satisfies all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 1 are applicable.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-10, 13-17 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinokimoto in view of Lin et al. (5,881,064).

**Regarding claim 3:** Hinokimoto satisfies all the elements of claim 1. Hinokimoto further discloses wherein the transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) adjusts such that the required network bandwidth becomes equal to or narrower than

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the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24), by demanding a reassignment of network bandwidth of the gatekeeper unit (Fig. 4, CONT 211) where the required network bandwidth corresponding to a predetermined transmission speed provided by the facsimile control signal (Fig. 5a, training signal) received from the partner terminal unit (Fig. 4, FAX 200) on the receiving side (Fig. 4, FAX 200), or from the facsimile apparatus (Fig. 4, FAX 100) in the PSTN (Fig. 4, PSTN 300) on the receiving side (Fig. 4, FAX 200) is wider than the allocated network bandwidth allocated by the gatekeeper unit (Fig. 4, CONT 211) at starting the communication (Fig. 5a, step 1).

Hinokimoto fails to specifically address a packet network.

Lin et al. disclose in a packet network (Fig. 1, packet switching network 36).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a packet network in order to optimize the utilization of the network capability as suggested by Lin et al. (col. 2, ln. 47-52).

**Regarding claim 4:** Hinokimoto satisfies all the elements of claim 1. Hinokimoto further discloses wherein the transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) adjusts such that the required network bandwidth becomes equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24) where the required network bandwidth corresponding to a predetermined transmission speed provided by the facsimile control signal (Fig. 5a, training signal) received from the partner terminal unit (Fig. 4, FAX 200) on the receiving side (Fig. 4, FAX 200) is wider than the allocated network bandwidth, by altering information content indicative of the transmission speed in the facsimile control signal (Fig. 5a, training signal) to a transmission speed that requires equal to or narrower

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than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24), converting the facsimile control signal (Fig. 5a, training signal) to the facsimile apparatus in the PSTN (Fig. 4, PSTN 300) on the transmitting side (Fig. 4, FAX 100).

Hinokimoto fails to specifically address a packet network or a modem signal.

Lin et al. disclose in a packet network (Fig. 1, packet switching network 36) and a modem signal and transmitting the modem signal (Fig 2A, modem 51).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a packet network and a modem signal in order to optimize the utilization of the network capability and to provide point to point data communication over networks as suggested by Lin et al. (col. 2, ln. 47-52).

**Regarding claim 5:** Hinokimoto satisfies all the elements of claim 1. Hinokimoto further discloses wherein the transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) adjusts such that the required network bandwidth becomes equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24), where the required network bandwidth corresponding to a predetermined transmission speed provided by the facsimile control signal (Fig. 5a, training signal) received from the facsimile apparatus (Fig. 4, FAX 100) in the PSTN (Fig. 4, PSTN 300) on the receiving side (Fig. 4, FAX 200) is wider than the allocated network bandwidth, by altering information content indicative of the transmission speed in the facsimile control signal (Fig. 5a, training signal) to a transmission speed that requires bandwidth equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24), the facsimile control signal (Fig. 5a, training signal) to the partner terminal unit (Fig. 4, FAX 200).

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Hinokimoto fails to specifically address converting into a packet and transmitting the packet in the packet network.

Lin et al. disclose converting into a packet and transmitting the packet in the packet network (Fig. 1, packet switching network 36).

**Regarding claim 6:** Hinokimoto satisfies all the elements of claim 1. Hinokimoto further discloses wherein the transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) adjusts such that the required network bandwidth becomes equal to or narrower than the allocated network (Fig. 5a, Step 3 and col. 9, ln. 18-24), where the required network corresponding to a predetermined transmission speed provided by the facsimile control signal (Fig. 5a, training signal) received from the facsimile apparatus (Fig. 4, FAX 100) in the PSTN (Fig. 4, PSTN 300) on the transmitting side (Fig. 4, FAX 100) is wider than the allocated network bandwidth, by transmitting a dummy training failure signal (Fig. 5a, Step 2, producing training signal) to the facsimile apparatus (Fig. 4, FAX 100) on the transmission side (Fig. 4, FAX 100) received from the facsimile apparatus (Fig. 4, FAX 100) in the PSTN (Fig. 4, PSTN 300) on the transmitting side (Fig. 4, FAX 100), until the required network bandwidth corresponding to a transmission speed provided by the facsimile control signal (Fig. 5a, training signal) that will be retransmitted from the facsimile apparatus (Fig. 4, FAX 100) on the transmitting side (Fig. 4, FAX 100) becomes equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24).

Hinokimoto fails to specifically address in response to a predetermined modem training signal.

Lin et al. disclose in response to a predetermined modem training signal (Fig 2A, modem 51).

**Regarding claim 7:** Hinokimoto satisfies all the elements of claim 1. Hinokimoto further discloses wherein the transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) adjusts such that the required network bandwidth becomes equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24), where the required network bandwidth corresponding to a predetermined transmission speed provided by the facsimile control signal (Fig. 5a, training signal) received from the partner terminal unit (Fig. 4, FAX 200) on the transmitting side (Fig. 4, FAX 100) is wider than the allocated network bandwidth, by transmitting a dummy training failure signal (Fig. 5a, Step 2, producing training signal) to the partner terminal unit on the transmitting side (Fig. 4, FAX 100) received from the partner terminal unit on the transmitting side (Fig. 4, FAX 200), until the required network bandwidth corresponding to a transmission speed provided by the facsimile control signal (Fig. 5a, training signal) that will be retransmitted from the partner terminal unit on the transmitting side (Fig. 4, FAX 100) becomes equal to or narrower than the allocated network bandwidth (Fig. 5a, Step 3 and col. 9, ln. 18-24).

Hinokimoto fails to specifically address in the packet network and in response to a modem training signal.

Lin et al. disclose in the packet network (Fig. 1, packet switching network 36) and in response to a modem training signal (Fig 2A, modem 51).

**Regarding claim 8:** Hinokimoto discloses transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) that adjusts required network bandwidth corresponding to a



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transmission speed set up by the communication apparatus (Fig. 4, FAX 100) and another communication apparatus (Fig. 4, FAX 200) connected to a PSTN (Fig. 4, PSTN 300) by demanding network bandwidth allocation to a gatekeeper unit (Fig. 4, CONT 211) and the communication apparatus (Fig. 4, FAX 200) in the PSTN (Fig. 4, PSTN 300) to become equal to or narrower than network bandwidth allocated by the gatekeeper unit (Fig. 4, CONT 211) (Fig. 5a, Step 3 and col. 9, ln. 18-24).

Hinokimoto fails to specifically address a packet network.

Lin et al. disclose communication control means (Fig. 1, node sys. 31, 33 and 35) that enables a communication between a communication apparatus (fax) connected to the packet network (Fig. 1, packet switching network 36).

**Regarding claim 9:** Hinokimoto discloses by demanding network bandwidth allocation to a gatekeeper unit (Fig. 4, CONT 211); and transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) that adjusts required network bandwidth corresponding to a transmission speed set up by the communication apparatus (Fig. 4, FAX 100) and the communication apparatus (Fig. 4, FAX 200) in the PSTN (Fig. 4, PSTN 300), to become equal to or narrower than network bandwidth allocated by the gatekeeper unit (Fig. 4, CONT 211) (Fig. 5a).

Hinokimoto fails to specifically address a packet network, or a network facsimile communication control.

Lin et al. disclose network facsimile communication control means (Fig. 1, node sys. 31, 33 and 35) that enables a facsimile communication with a communication apparatus (Fig. 1, fax) in the packet network (Fig. 1, packet switching network 36); communication control means (Fig.

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1, node sys. 31, 33 and 35) that enables a communication between a communication apparatus (fax) connected to the packet network (Fig. 1, packet switching network 36) and another communication apparatus connected to a PSTN (Fig. 1, PSTN 27, 29, and 30).

**Regarding claim 10:** Hinokimoto discloses by demanding network bandwidth allocation of a gatekeeper unit (Fig. 4, CONT 211); and transmission speed/network bandwidth adjustment means (Fig. 4, H-S MOD 104) that adjusts required network bandwidth corresponding to a transmission speed set up by the communication apparatus (Fig. 4, FAX 100) and the communication apparatus (Fig. 4, FAX 200) in the PSTN (Fig. 4, PSTN 300), to become equal to or narrower than network bandwidth allocated by the gatekeeper unit (Fig. 4, CONT 211) (Fig. 5a).

Hinokimoto fails to specifically address a packet network, or a network facsimile communication control.

Lin et al. disclose facsimile communication control means (Fig. 1, node sys. 31, 33 and 35) that enables a facsimile communication with a communication apparatus (Fig. 1, fax) in a PSTN (Fig. 1, PSTN 27, 29, and 30); communication control means (Fig. 1, node sys. 31, 33 and 35) that enables a communication between a communication apparatus (Fig. 1, fax) connected to the packet network (Fig. 1, packet switching network 36) and another communication apparatus (Fig. 1, fax) connected to the PSTN (Fig. 1, PSTN 27, 29, and 30).

**Regarding claim 13:** Hinokimoto satisfies all the elements of claim 11. The structural elements of apparatus claim 3 perform all of the steps of method claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 3.

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**Regarding claim 14:** Hinokimoto satisfies all the elements of claim 11. The structural elements of apparatus claim 4 perform all of the steps of method claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 4.

**Regarding claim 15:** Hinokimoto satisfies all the elements of claim 11. The structural elements of apparatus claim 5 perform all of the steps of method claim 15. Thus, claim 15 is rejected for the same reasons discussed in the rejection of claim 5.

**Regarding claim 16:** Hinokimoto satisfies all the elements of claim 11. The structural elements of apparatus claim 6 perform all of the steps of method claim 16. Thus, claim 16 is rejected for the same reasons discussed in the rejection of claim 6.

**Regarding claim 17:** Hinokimoto satisfies all the elements of claim 11. The structural elements of apparatus claim 7 perform all of the steps of method claim 17. Thus, claim 17 is rejected for the same reasons discussed in the rejection of claim 7.

**Regarding claim 20:** Hinokimoto satisfies all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 3 are applicable.

**Regarding claim 21:** Hinokimoto satisfies all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 4 are applicable.

**Regarding claim 22:** Hinokimoto satisfies all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 5 are applicable.

**Regarding claim 23:** Hinokimoto satisfies all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 6 are applicable.

**Regarding claim 24:** Hinokimoto satisfies all the elements of claim 18. Arguments analogous to those stated in the rejection of claim 7 are applicable.

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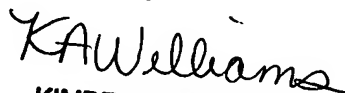
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459.

The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CMB

  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER